

GENEVA – UN High Commissioner for Human Rights Navi Pillay on Thursday strongly condemned the 30 July shelling by Israeli military forces of a UN school in Gaza sheltering people fleeing the violence, as well as other attacks on schools, hospitals, places of worship and vital infrastructure such as Gaza’s only electric power plant.

She underlined the need for “real accountability considering the increasing evidence of war crimes and an ever-growing number of civilian casualties, including some 250 children.”

“Six UN schools have now been hit, including another deadly strike on 24 July that also killed civilians,” Pillay said. “The shelling and bombing of UN schools which have resulted in the killing and maiming of frightened women and children and civilian men, including UN staff, seeking shelter from the conflict are horrific acts and may possibly amount to war crimes,” Pillay said. “If civilians cannot take refuge in UN schools, where can they be safe? They leave their homes to seek safety – and are then subjected to attack in the places they flee to. This is a grotesque situation.”

“Under international law, humanitarian relief personnel and objects used for relief operations – this would include UNRWA schools in Gaza being used as shelters – must be respected and protected,” Pillay said. “An attack against humanitarian relief personnel and objects used exclusively for relief operations, is a violation of international humanitarian law and may amount to a war crime.”

The situation in the Gaza strip has markedly deteriorated in recent days, as Israeli military forces expanded their bombardment and military ground operations. Since the Israeli military operation began on the night of 7 July, more than 2,700 air raids, firing more than 4,000 missiles, have been conducted in addition to artillery and naval bombardment.

As of 4:00 p.m. on Wednesday, more than 1,200 Palestinians had been killed, including at least 850 civilians. More than 250,000 have been displaced, many on multiple occasions, with the shelters overflowing and unable to accommodate terrified new arrivals.

“The numbers don’t begin to adequately tell the tale of the ongoing human tragedy in Gaza,” said Pillay. “What we are witnessing is the killing of entire families, and of children in the street either playing or trying to find safety. Waves and waves of ordinary people continue to flee their homes as the already weak infrastructure in Gaza caves in under the relentless bombardment.”

Pillay expressed alarm at how this crisis has gravely affected civilians in Gaza, including an attack on Beach camp on 28 July, in which 12 children and an elderly man were killed while

playing, walking or buying supplies in shops. There were reports of a similar attack in the Shi'jaiya neighbourhood of Gaza yesterday, an area already subjected to intense bombardment, when a marketplace was bombed during a supposed humanitarian ceasefire, with many civilians killed.

"The killing of civilians, including children, as they played or shopped in Beach Camp in Gaza during the end-of-Ramadan Eid, traditionally a time of celebration and happiness, is profoundly disturbing," the High Commissioner said. "According to initial reports there were no military activities in the area, which begs the question – what possible justification could there be for such an attack?"

Pillay reiterated her condemnation of the indiscriminate firing of rockets into Israel by armed groups in Gaza and emphasized that military assets should not be located in densely populated areas nor should attacks be launched from such areas. More than 3,500 rockets and 800 mortars have been fired by armed groups in Gaza since the beginning of the crisis. Reportedly, three civilians in Israel have been killed so far. "The launching of indiscriminate attacks is a war crime," Pillay said. In addition, 57 Israeli soldiers have been killed in the course of the hostilities.

She emphasized that issuing warnings to civilians, or any alleged violation of the laws of war by one party, does not excuse either party from their continuing obligations to protect civilians and respect the core principles of distinction, proportionality and precautions in attack.

Pillay cited what a Palestinian child had said to one of her staff in Gaza: "This little 7 year-old boy talked of his dream – and his dream is to have a Palestinian 'Iron Dome' protecting him and his family from Israeli attacks, just as the Israelis have their 'Iron Dome' system protecting them against rockets attacks from Gaza.

She also condemned the repeated attacks on Gaza's overburdened hospitals which are packed with people injured and dying as a result of airstrikes and shelling.

"Like any other civilian object, hospitals are prima facie protected from attack," she said "However, because of their vital importance, international humanitarian law specifically provides for their protection. Under the Fourth Geneva Convention, 'civilian hospitals... may in no circumstances be the object of attack, but shall at all times be respected and protected by the Parties to the conflict.' Intentional attacks on hospitals being exclusively used as hospitals amounts to a war crime."

Accountability for any violations of international law is essential to end the recurrent cycle of violence. The Commission of Inquiry established by the Human Rights Council at its Special Session on 23 July 2014 will play a key role in addressing accountability issues related to the current hostilities in Gaza. “However, true justice will only be achieved by bringing cases in front of a fair and competent court,” Pillay said. “The international community has a collective responsibility to end this climate of impunity.”

The High Commissioner noted that the 2009 report of the Gaza Fact-Finding Mission\* set up by the Human Rights Council provided a contextual, factual and legal analysis, as well as a set of recommendations for follow up, that “remain compellingly relevant in light of what is happening today.”

The report’s recommendations, including regarding referral of the situation to the International Criminal Court, remain relevant in view of the lack of progress in ensuring effective accountability through investigations at the domestic level.

“That accountability and justice is unlikely to be achieved through domestic proceedings is evident in the lack of adequate investigations, to this day, into even the most serious reports of violations contained in the Fact-Finding Mission’s report,” she added. “Instead, a huge orchestrated effort was made to denigrate the report and its authors to the point where its findings are being shamefully ignored.”

“It’s unforgivable that the international community could not find the political resolve to take the practical steps that the report said were essential,” she said. “These were designed to deter future violations, by ending the longstanding impunity that has been such a feature of this situation.”

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\*To read the

Report of the United Nations Fact Finding Mission on the Gaza Conflict:

<http://www.ohchr.org/EN/HRBodies/HRC/SpecialSessions/Session9/Pages/FactFindingMission.aspx>

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